

REMARKS/ARGUMENTS

Reconsideration is respectfully requested of the Office Action of July 12, 2005 relating to the above-identified application.

A one month extension of time, together with associated fee, is filed herewith.

Claims 4 and 5 have been incorporated into Claim 1 in order to particularly point out and distinctly claim the invention. The claims in the case are Claims 1-3, 6-8 and 10-30.

It is noted with appreciation that the subject matter of Claims 9-13 and 23-28 have been indicated as allowable. Claims 8 and 9 have been combined and, as edited, are presented here as amended Claim 8. It is believed that Claims 8 and 10-13 and 23-28 are in condition for allowance.

The rejection of Claims 1-3, 6-8, 14-22 and 29-30 under 35 U.S.C. § 103(a) as unpatentable over the *Linde* patent (US 6,803,026), in view of the *Linde* patent (US 5,797,988) and *Walsh*, newly cited, is traversed and reconsideration is respectfully requested.

The subject matter of the present application relates to a beaded carbon black containing at least one pelletizing additive such as a wax or a resin or a mixture of a wax or a resin and at least one synthetic oil distributed in a homogenous way across the cross-section of the carbon black beads; see page 5, lines 3 to 10. This result is entirely different from *Linde* '026 which teaches the formation of a core of oil pelletized carbon black and a shell of wax. The oils of *Linde* are taught as a binder for the carbon black. After formation of the pelletized carbon black, it is coated with a thick layer of material. This does not teach the formation of a beaded carbon black having a homogeneous distribution of the oil/pelletizing additive mixture across the entire cross-section of the carbon black beads.

The Official Action admits that the *Linde* patent '026 does not disclose the use of a synthetic oil. The Official Action relies on the second *Linde* patent, '988, for a showing of use of synthetic oils as a binder. The Official Action concludes that it would have been obvious to one of ordinary skill in the art to select synthetic oils and resins as the binder and dispersant of the carbon black pellets of the primary reference. Applicants respectfully submit that the Official Action fails to set forth any reason, suggestion, or motivation whereby a person skilled in the art would be lead to incorporate a synthetic oil into the composition of the primary reference, *Linde*, '026. Moreover, even if the teachings of the two *Linde* patents are combined, the result would not arrive at applicants' invention. Nor would the skilled artisan expect to obtain the results described in this application.

Attention is again invited to the comparative data in the present application, including Table 3 on page 9 of the application which shows Comparative Example 1 using just oil as the pelletizing agent and Comparative Example 2 using just wax as the pelletizing agent. In clear contrast to the two comparative examples, Example 3 according to the invention which uses a combination of oil and wax, as a pelletizing agent distributed throughout the pellet shows a clear and unexpected difference in properties such as individual bead hardness, a lower attrition mill dispersion at 15 minutes and good flowability of printing ink.

The data from Table 3 is interpreted on page 12, beginning at line 13. Particular attention is invited to the discussion beginning at line 22 which points out that the beaded black according to the invention which is represented by Example 3 displays advantages over the oil pelletized carbon blacks shown in Comparative Example 1 and the wax pelletized carbon blacks shown in Comparative Example 2. The total bead hardness, a characteristic of the pigments including

individual bead hardness and the bead strength, is clearly increased. The improvement in bead hardness and bead strength in comparison to the Comparative Examples 1 and 2 can be achieved while still retaining good dispersibility of the pellets. These results could not have been predicted from the combination of references relied on.

At the top of page 13, it is pointed out that the dispersibility in attrition mill dispersion and flow behavior are improved in comparison to the carbon blacks produced only with oil or only with wax.

Thus, it is seen that the data in the application shows a synergistic effect that is an improvement that could not have been predicted based on the performance characteristics of the individual comparative examples.

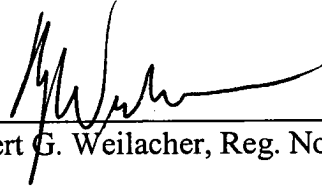
The *Walsh* reference adds nothing of significance to the record. Clearly, the reference would not suggest that such a significant difference would arise from the beaded black of this invention. None of the references enable a person skilled in the art to predict the success and performance characteristics of the beaded black as demonstrated by Example 3.

Accordingly, it is respectfully submitted that no *prima facie* case of obviousness has been presented by the cited references. The references taken together fail to lead persons skilled in the art to form a homogeneous distribution of the oil/pelletizing additive mixture across the cross-section of the carbon black bead and certainly would not enable the skilled artisan to expect the results described by the comparative results of record herein.

Applicants request favorable consideration of the application and request the Examiner to call the undersigned to expedite disposition of this application.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 
Robert G. Weilacher, Reg. No. 20,531

Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404): 815-3593
Facsimile: (404): 685-6893